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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 CECIL JEROME HATCHETT,

12 Petitioner,

13 v.

14 KEN CLARK,

15 Respondent.
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Case No. 2:20-cv-00892-KJM-JDP (HC)

ORDER REQUIRING RESPONSE TO
PETITION FOR WRIT OF HABEAS
CORPUS AND SETTING BRIEFING
SCHEDULE

ECF No. 31

17 With agreement from both parties, I recommended that the last operative petition be
18 dismissed as unintelligible and for failure to use a court-approved habeas form. ECF No. 28.
19 Petitioner has now filed a third amended petition that, under Rule 4, states a cognizable claim that
20 a Yolo County detective violated his due process rights by illegally detaining him and forcing him
21 into a confession. ECF No. 31 at 3.

22 Accordingly, it is ORDERED that:

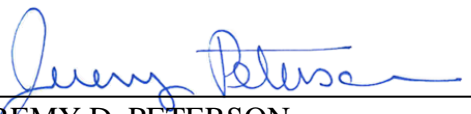
- 23 1. Within sixty days of the date of service of this order, respondent must file a
24 response to the petition that addresses petitioner's due process claim.
25 2. A response may be one of the following:
26 A. An answer addressing the merits of the petition. Any argument by
27 respondent that petitioner has procedurally defaulted a claim must be raised
28 in the answer, which must also address the merits of petitioner's claims.

1 B. A motion to dismiss the petition.

- 2 3. Within sixty days of the date of service of this order, respondent must file all
3 transcripts and other documents necessary for resolving the issues presented in the
4 petition. *See* R. Governing Section 2254 Cases 5(c).
- 5 4. If respondent files an answer to the petition, petitioner may file a traverse within
6 thirty days of the date of service of respondent's answer. If no traverse is filed
7 within thirty days, the petition and answer are deemed submitted.
- 8 5. If respondent moves to dismiss, petitioner must file an opposition or statement of
9 non-opposition within twenty-one days of the date of service of respondent's
10 motion. Any reply to an opposition to the motion to dismiss must be filed within
11 seven days after the opposition is served. The motion to dismiss will be
12 considered submitted twenty-eight days after the service of the motion or when the
13 reply is filed, whichever comes first. *See* Local Rule 230(l).

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15 IT IS SO ORDERED.

16 Dated: June 7, 2021

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18 JEREMY D. PETERSON
19 UNITED STATES MAGISTRATE JUDGE
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